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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FELTEN, DANIEL S

ART UNIT PAPER NUMBER

3624

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,916

Applicant(s)

Griffin

Examiner

Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/23/2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-47 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. Receipt of the amendment filed November 23, 2003 amending claims 29, 32, 36, 37, 38, 40, 46 and 47 are acknowledged. Claims 29-47 are pending in the application and are presented to be examined upon their merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 40-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The word "almost" is indefinite because an artisan of ordinary skill would not be able to distinctly discern to the parameters of such a limitation. Therefore it is incumbent of the applicant to remove this limitation from the claim language or cancel the aforementioned claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman (US 5,221,838) in view of Vazvan (WO 97/45814).

Re claim 29:

Gutman discloses a process enabling financial transactions between a purchaser, at least one seller and at least one financial institute (see Gutman, fig. 5A-E, col. 12, ll. 33+), wherein:

- a first connection is set between an electronic purse carried by the purchaser and a financial institute, from which the purchaser is related to,
- at least a second connection is set between said electronic purse carried by the purchaser and a cashing device owned by the seller, and
- for said second connection or any other second connection, a third connection is set between said cashing device owned by a seller and the financial institute from which the purchaser is related to (see Gutman, fig. 5C, col. 14, ll. 17+),

Gutman fails to disclose an identification code from said electronic purse is transmitted when each of said connections is set. Vazvan discloses an identification code (contact codes or PIN codes) from an electronic purse is transmitted when each of said connections is set (see Vazvan, Abstract, page 2, ll. 30+). It would have been obvious for an artisan of ordinary skill in the art at the time of the invention to integrate

the aforementioned features into Gutman because an artisan at the time of the invention would recognize and have been familiar with the uses of contact codes and PIN codes, as taught by Vazvan, would have been familiar of notoriously old and well known use of an identification code to provide security against fraudulent transactions. Thus an artisan would have desired to provide the user with such protection beginning an obvious expedient to one of ordinary skill in the art.

Gutman discloses a number of exemplary transaction for the communication system to include cash transactions (see col. 12, ll. 33+) to include a transmission of spending authorization (an approval code), which is used to authorize a specific amount of money (see col. 14, ll. 59-62) when the third connection is set between the financial institute 522 and the cashing device (point of sale "POS" via the establishment 524) to prevent any non-authorized spending with the electronic purse (see col. 14, ll. 33 to col. 15, ll. 5). Thus to have implemented such a feature would have proved security and prevented non-authorized spending with the electronic purse.

Re claim 30:

Gutman discloses the third connection is set through a second financial institute from which the seller is related to (see Gutman, col. 14, ll. 17+).

Re claim 31:

Gutman discloses the first connection is of radio-electric type on at least a portion of its path, and wherein the third connection transits on the telephone network for at least a portion of its path (see Gutman, col. 4, ll. 36+; and col. 11, ll. 9+; and col. 13, ll. 24+).

Re claim 32:

Gutman fails to disclose wherein the first connection is carried out by a connection via ground relay and a telephone network, or by a connection between the electronic purse and a communication satellite which transmits a signal via the relay or directly to the institute. This is disclosed by Vazvan (see Vazvan, abstract). It would be obvious for an artisan of ordinary skill in the art to modify Gutman to provide the mobile communication features of Vazvan because an artisan would recognize the notoriously old and well known advantages that wireless audio communication would have as an alternative to a wireless full-text messaging pager system especially in situations where visualization of full-text communication is not possible. Thus Gutman would have sought to integrate the notoriously old and well known features of a mobile phone, as disclosed by Vazvan into the electronic purse to provide added convenience and flexibility of communication between parties. Thus such a modification would be considered an obvious expedient well within the ordinary skill in the art.

Re claim 33:

Gutman discloses that the second connection is realized by a connecting cable which links a connector of the electronic purse to a connector of the cashing device or by a

card including writable memory means, or is of radio-electric or infrared type (see Gutman col. 5, ll. 44+; and col. 4, ll. 44+).

Re claim 34:

Gutman disclose that the first connection includes in particular the steps of

- transmission of a PIN code (see Gutman, col. 2, ll. 7+; and col. 14, ll. 17+)
- transmission of a spending authorization request for a specific amount of money, and transmission of a spending authorization of the specific amount of money, and/or transmission of the specific amount in electronic money (see Gutman, col. 14, ll. 17+).

Re claim 35:

Gutman discloses that the second connection includes in particular the steps of:

- transmission of the spending authorization of a specific amount of money, and/or - transmission of the specific amount in electronic money (see Gutman, col. 14, ll. 17+).

Re claim 36:

Gutman discloses wherein the third connection includes in particular the steps of:

- transmission of an identification code from the cashing device (see Gutman, col. 2, ll. 7+), and
- transmission of the spending authorization of a specific amount of money, and/or

- transmission of the specific amount in electronic money (see Gutman, col. 14, ll. 17+).

Re claim 37:

Gutman discloses wherein the first and/or second connection includes in particular a step of

- transmission of a recognition code of a parameter suitable for the buyer, said buyer introducing said parameter by a keyboard of the electronic purse and/or by a recording device of said parameter, said recognition code being separately transmitted or combined with the identification code from the electronic purse (see Gutman, col. 14, ll. 17+; and col. 2, ll. 7+).

Re claim 38:

Gutman discloses wherein it includes following means:

- a first device for establishing a first connection between an electronic purse carried by the buyer and a financial institute, from which the buyer is related to,

- a second device for establishing a second connection between the electronic purse carried by the buyer and a cashing device owned by a seller, and

- a third device for establishing a third connection between said cashing device owned by a seller and the financial institute from which the buyer is related to

- said first, second and third devices for establishing a connection being able to transmit an identification code from the electronic purse (see Gutman fig. 5A-E, col. 12, ll. 33+; and col. 14, ll. 17+; see also claim 29).

Re claim 39:

Gutman discloses wherein the third device for establishing a third connection includes connecting means between the cashing device owned by a seller and a financial institute from which the seller is related to, and other connection means between said financial institute from which the seller is related to and the financial institute from which the buyer is related to (see Gutman fig. 5A-E, col. 12, ll. 33+; and col. 14, ll. 17+).

Re claim 40:

Gutman discloses an electronic purse being part of a system for executing a process enabling financial transactions between a purchaser, at least one seller and at least one financial institute, wherein it includes in particular:

- a first device for establishing a first connection with a financial institute, and - a second device for establishing a second connection with a cashing device,
- said devices for establishing a first and a second connections are able to transmit in real time an identification code from said electronic purse to said cashing device of the seller (see Gutman, fig. 5A-E, col. 12, ll. 33+).

Re claim 41:

(see explanation for claim 32)

Re claim 42:

Gutman discloses wherein the second device for establishing a second connection includes in particular a device for introducing a chip card and a device for writing in a writable memory of said chip card, and/or transmitting and receiving means of radio-electric or infrared type (see Gutman col. 5, ll. 44+; and col. 4, ll. 44+).

Re claim 43:

Gutman discloses wherein the second device for establishing a second connection includes in particular a connector for a connection by cable with said cashing device (see Gutman, col. 9, ll. 27+).

Re claim 44:

Gutman discloses wherein it is controlled by a computer programmable to carry out a financial transaction according to any currency (see Gutman col. 5, ll. 44+; and col. 4, ll. 44+).

Re claim 45:

Gutman discloses wherein it includes further computer means and bar code reading means (see Gutman, col. 5, ll. 1+).

Re claim 46:

Gutman fails to disclose wherein characterized in that it includes further beacon means allowing to localize it (see Gutman col. 4, ll. 44+).

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman modified by Vazman as applied to claim 1 above, and further in view of Kawan (US 5,796,832).

Re claim 47:

Gutman as modified by Vazman fails wherein it includes further a separated remote control able to send a signal toward said electronic purse in order to deactivate it, and/or a sensitive zone able to record a parameter suitable for the user such as a fingerprint or a signature. These features are disclosed by Kawan (see Kawan, col. 7, ll. 49+). It would have been obvious for an artisan of ordinary skill at the time of the invention was made to employ the teachings of Kawan disclosing the aforementioned features to Gutman as modified by Vazman, because an artisan at the time of the invention would realize that such features would provide an alternative means of security that are notoriously old and well known within the art. Thus an artisan at the time of the invention would have recognized and have been familiar with the various advantages and disadvantages of remote deactivation and/or biometric or digital signatures disclosed within the Kawan system and have sought to use such techniques to further improve the security of Gutman as modified by Vazman system. Thus such features would have constituted an obvious expedient well within the ordinary skill in the art.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor ***Vincent Millin*** whose telephone number is (703) 308-1065.

Serial Number: 09/581,916

Applicant(s): Jacot (705/41)

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Art Unit: 3624

Representative: Griffin (19,334)

Response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

for formal communications intended for entry, or (703) 305-0040, for informal or draft communications, please label A Proposed or A Draft.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to *[daniel.felten@uspto.gov]*.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1 195 OG 89.



DSF

January 22, 2004



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Application/Control Number: 09/581,916
Art Unit: 3624

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